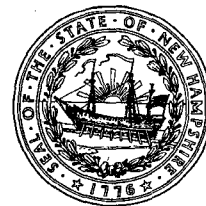


NHDES

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 05-043**

November 07, 2005

Steven Tharpe
8 Kendall Hill Rd
Mont Vernon, NH 03057

RE: DES Wetlands File #2005-02416 8 Kendall Hill Rd, Mont Vernon

Dear Mr. Tharpe:

On October 20, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Mont Vernon Tax Map 8 as Lot 18 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Trails had been constructed in a wetland by clearing vegetation and grubbing. No erosion controls had been installed, the soils were unstable and there was evidence of erosion in to the open water pond.

In response, you are requested to take the following actions:

1. **Immediately** stabilize the unstable soils and install erosion controls to prevent further erosion.
2. **Within 10 days** of receipt of this letter, hire a certified wetland scientist to delineate the wetland boundaries, prepare the required documentation and determine existing conditions and provide documentation to DES that this requirement has been met.
3. **Within 60 days** of receipt of this Letter of Deficiency, submit an after-the-fact Standard Dredge and Fill application to DES for review. Have the permit application prepared by a certified wetland scientist, and include provisions retain a portion of the trail within the wetland, to construct any new trail areas within the wetland and permanently stabilize the trail. Any portion of the trail constructed within the wetland that is not approved shall be restored to the wetlands original grade and vegetation.

4. **Within 60 days** of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for temporarily and permanently stabilizing the exposed soils, retaining portions of the trail and restoring the wetland impacts that are not approved. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of temporary erosion control (silt fence, hay bales, etc) and permanent stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

5. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

6. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-4066.

Sincerely,

 **COPY** for

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0003 0561 8026

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Mont Vernon Conservation Commission
Mont Vernon Board of Selectmen
USACOE